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26 UNITED STATES DISTRICT COURT

27 FOR THE NORTHERN DISTRICT OF CALIFORNIA

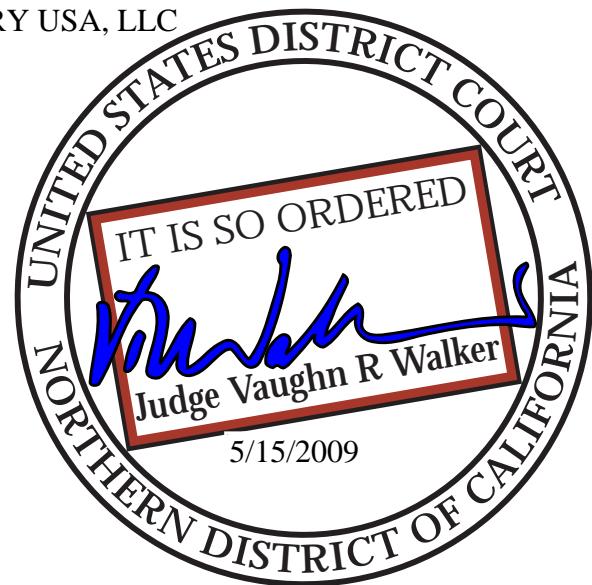
28 LAWRENCE CAMPBELL, TYSON
 KING, JOHN TOKACH, ROBERT
 GARRIS, STEWART PATEY, EUGENE
 PIERCE, DON SUTTON, STEVEN
 HOLMAN on their behalf and on behalf of
 all others similarly situated,

Plaintiffs,

vs.

SLEEP TRAIN, INC., dba SLEEP TRAIN
 MATTRESS CENTERS, MATTRESS
 DISCOUNTERS, SLEEP COUNTRY
 USA, and SLEEP TRAIN DEPOT, and
 Does 1 through 60 inclusive,

Defendants.



Case No. C 08-05759 VRW

STIPULATION OF DISMISSAL

Amended Complaint Filed: March 3, 2009

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2 Plaintiffs Lawrence Campbell, Tyson King, John Tokach, Robert Garris, Stewart
3 Patey, Eugene Pierce, Don Sutton, and Steven Holman, ("Plaintiffs"), and Defendants, The Sleep
4 Train, Inc. and Sleep Country USA, LLC, have agreed to dismiss Civil Action No. C 08-5759 in
5 its entirety with each party bearing its own costs and attorney's fees, pursuant to Federal Rule of
6 Civil Procedure 41(a)(1)(ii). The parties further agree not to use the dismissal as a "first
7 dismissal" under Federal Rule of Civil Procedure 41(a)(1)(B) and that this dismissal shall have no
8 effect on claims not asserted herein.
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Dated: May 8, 2009

MANATT, PHELPS & PHILLIPS, LLP

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By: /s/ John Fox

John C. Fox

Alison S. White

Attorneys for Defendants,

THE SLEEP TRAIN, INC. and SLEEP COUNTRY
USA, LLC

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Dated: May 8, 2009

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By: /s/ Daniel Berko

Daniel Berko

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Dated: May 8, 2009

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By: /s/ Burke Hansen

Burke Hansen

Attorneys for Plaintiffs,

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*Pursuant to General Order No. 45, Section X(B) regarding signatures, John C. Fox hereby attests that concurrence
in the filing of this document has been obtained.*

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